

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:03-CR-367-1B02

UNITED STATES OF AMERICA)
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BRIAN TOD SCHELLENBERGER)

MOTION BY THE UNITED STATES
PURSUANT TO U.S.S.G. §5K1.1

FILED IN OPEN COURT
ON 10-20-05
Fred L. Borch III, Clerk
US District Court
Eastern District of NC

The United States of America, by and through the undersigned Assistant United States Attorney for the Eastern District of North Carolina, hereby moves this honorable Court for an order finding the defendant to have provided substantial assistance to the government in the investigation and prosecution of other persons and in support thereof, shows the Court as follows:

1. Soon after the defendant was arrested and placed in jail, he was instructed by his counsel to cooperate with the Federal Bureau of Investigation.

2. The Federal Bureau of Investigation interviewed the defendant for over fifteen hours, during which time the defendant detailed his violent and sadomasochistic proclivities both involving consenting adults, as well as his extensive ongoing efforts to molest, sexually humiliate, and degrade very young children, both his own and others, and to memorialize his extensive recording efforts by taking digital images and depictions of his subjects, many with the defendant in the picture.

3. The defendant, during the FBI interviews, described

three instances where he provided what the government concedes is substantial assistance in the investigation and prosecution of others.

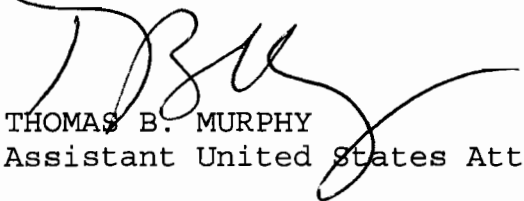
4. These instances, which will be detailed in court, involve Kenda Marie Henry, a mother of three in Texas, who wanted her children to become sex slaves, a process the defendant encouraged; Simon Gray, a traveling child molester from the United Kingdom, who visited Ms. Henry for the purpose of molesting her children on at least two occasions; and, finally, Mark Spies, who the defendant met on the internet, first as a woman, then as a man, and whom the defendant, at the direction of Spies, molested, exploited and photographed the defendant's daughter and who plotted with the defendant to murder the defendant's wife.

5. All three of these dangerous human beings were prosecuted through the assistance of enthusiastic cooperation of the defendant who identified them and helped to get them arrested.

6. The defendant substantially assisted the government during the investigation and prosecution of the above-mentioned individuals.

Respectfully submitted, this the 20th day of October, 2005.

FRANK D. WHITNEY
United States Attorney



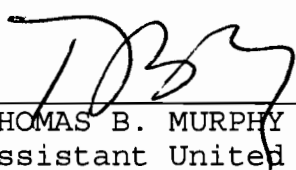
THOMAS B. MURPHY
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of October, 2005, served a copy of the foregoing Motion for 5K1.1 upon the Defendant in this action by hand delivering a copy of it:

Mr. Roger W. Smith, Sr.
Attorney for Defendant
Raleigh, NC 27611

FRANK D. WHITNEY
United States Attorney

 10/20/5

THOMAS B. MURPHY
Assistant United States Attorney
Criminal Division